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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,114	04/02/2001	Cheryl Hoffman	11273/4	9174

26646 7590 07/05/2006

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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/824,114	Applicant(s) HOFFMAN, CHERYL	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 56-59, 62-78, 88 and 89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56-59, 62-78, 88 and 89 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

As per claim 56, line 2, "a" after "to" should be changed to - -the- -. The phrase "a project involving a Brownfields" is found on lines 7-8. line 9 then refers to "the Brownfields project". It is unclear whether these two terms are the same.

As per claim 67, line 3, "the borrower" lacks clear antecedent basis.

The applicant is advised to review the remaining pending claims for any possible deficiencies.

The Applicant is requested to make the necessary amendment correcting all noted and other possible deficiencies found in the instant claims.

The prior art taken alone or in combination failed to teach or suggest providing investment capital from the Brownfields fund to the approved entity to at least partially finance the approved Brownfields project without taking any ownership interest in the approved Brownfields project, the approved entity being provided the investment capital using at least some of the investor capital from the at least one investor as recited in independent claim 56.

The prior art taken alone or in combination failed to teach or suggest approving an entity for the investment capital from the Brownfields fund to at least partially finance a respective one of the Brownfields projects, the entity having an ownership interest in a

Brownfields associated with the one of the Brownfields projects while the Brownfields fund remaining passive as recited in independent claims 62 and 70.

The prior art taken alone or in combination failed to teach or suggest approving an entity for the investment capital on the non-recourse basis for a respective one of the Brownfields projects, the entity having an ownership interest in a Brownfields associated with the one of the Brownfields projects, the approved entity being provided the investment capital using at least some of the investor capital from the investors only after an investment level is above a predetermined minimum as recited in independent claim 72.

The prior art taken alone or in combination failed to teach or suggest approving an entity for the investment capital from the Brownfields fund to at least partially finance a respective one of the Brownfields projects according to predetermined criteria, the entity having an ownership interest in a Brownfields associated with the one of the Brownfields projects as recited in independent claim 74.

The prior art taken alone or in combination failed to teach or suggest approving an entity for the investment capital from the Brownfields fund to at least partially finance a respective one of the Brownfields projects according to select criteria, the entity having an ownership interest in a Brownfields associated with the one of the Brownfields projects, the approved entity being provided the investment capital using at least some of the investor capital from the investor without the Brownfields fund taking any ownership interest in a Brownfields property associated with the one of the Brownfields projects as recited in independent claim 88.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

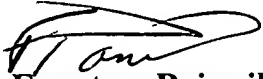
### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP  
June 15, 2006